

Supreme Court, U. S.

FILED

NOV 3 1977

MICHAEL RODAK, JR., CLERK

in the
Supreme Court
of the
United States

OCTOBER TERM, 1976

CASE NO. 76-1440

ALEX GOLDSTEIN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

**PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

PETITIONER'S PETITION FOR REHEARING

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PETITIONER'S PETITION FOR REHEARING

Pursuant to Rule 58(2), *Rules of The Supreme Court*,
the Petitioner herein, ALEX GOLDSTEIN, by and
through his undersigned attorneys, hereby petitions this

Court for a rehearing on its denial of the original Petition for a Writ of Certiorari to the United States Court of Appeals, for the Fifth Circuit, in support of which the Petitioner urges that there exists grounds constituting intervening circumstances of a substantial or a controlling effect, or other substantial grounds available to, although not previously presented by the Petitioner. More particularly, the Petitioner asserts:

1. This Court for purposes of this representation and assertion, is respectfully referred to the Petition for Stay of Mandate previously filed with this Court, on behalf of ALEX GOLDSTEIN, wherein it was asserted, with documentary attachments, that there is a pending similar and like criminal trial currently underway in Germany. The undersigned has received definitive information, not yet documented, that the Government of the United States has granted "freedom of passage" to the Reible Brothers, in order for the German Court and its personnel, to travel to the United States to take sworn testimony for purposes of the trial in Germany. Again, it is emphasized, that the United States Government therefore can manipulate and control the testimony of witnesses, especially material and essential witnesses such as the Reible Brothers, wherein at one period of time, prohibiting the travel of the Reible Brothers to the United States, suggesting said Reible Brothers are fugitives, and, on the other hand, allowing the Reible Brothers to come to the United States with their attorneys, and German Court's personnel waiving the United States Government's rights under the outstanding indictment remaining pending against the Reible Brothers. The undersigned represents to this Court, as set forth in the correspondence to German counsel, Appendix A, *infra* (p. 7), that diligent efforts are being made at this time to obtain the documentary evidence to establish the Government's

written permission for the Reible Brothers to travel with freedom in the United States without fear of arrest or detention.

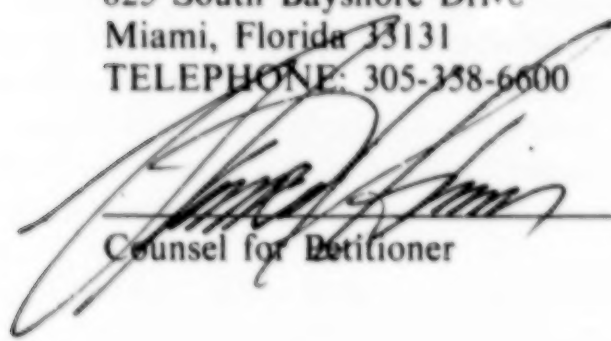
2. The representation set forth hereinabove, therefore, adds imperative emphasis to the question presented to this Court, as to the unbridled latitude of the United States Government to manipulate witnesses, as more fully discussed in the reply brief, which was being processed and printed at the time this Court entered its order denying the application for the Petition for Certiorari in this case.

The bases of fact, citations, authorities and arguments more fully set forth in the Petitioner's Reply Argument, attached hereto and incorporated herein by reference for all purposes should be considered by this Court in rehearing, its original denial of the Petition for Writ of Certiorari and, upon such rehearing, prompt a granting of the Writ and full consideration by this Court of the questions presented heretofore. The Petitioner's Reply to Brief in Opposition has been prepared and printed prior to counsel's receiving this Court's order denying a Writ of Certiorari as requested but could not be mailed to the Clerk in time so as to precede the Court's original denial. Nevertheless, the basis in opposition to the Government's opposition to granting the Writ should be considered by this Court.

Respectfully Submitted,

HIGHSMITH, STRAUSS &
VARNER, P.A.

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825 South Bayshore Drive
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Counsel for Petitioner

**CERTIFICATE REQUIRED BY RULE 58, RULES OF
THE SUPREME COURT**

The undersigned counsel for the Petitioner herein,
ALEX GOLDSTEIN, hereby certify that the arguments,
authorities and facts, urged upon the Court in the Petition
for ReHearing, including those portions expressly incor-
porated herein by reference, are presented in good faith and
not for purposes of delay.

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BY **RONALD L. STRAUSS, ESQUIRE**
Counsel for the Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copies of the foregoing Petitioner's Petition for Rehearing were served on: WADE H. MCCREE, JR., (4 Copies), Solicitor General of the United States, United States Department of Justice, Washington, D.C. 20530, ROBERT LEE GUTHRIE, Att. for Petitioner Nikoloric, 1410 Republic National Bank Building, Dallas, Texas, 75201; THEODORE KLEIN, ESQUIRE, Atty. for Petitioner Dearden, Jr., 2401 Douglas Road, Coral Gables, Florida, by depositing same in the United States mail this 2 day of Nov, 1977.


RONALD I. STRAUSS, ESQUIRE

APPENDIX A

October 28th, 1977

Werner Foerster, Esquire
62 Wiesbaden-Sonnenberg
Danziger Str. 85
Germany

Re: U.S.A. vs. ALEX GOLDSTEIN
Our File No. 75-37/RIS

Dear Werner:

As you may be aware, the United States Supreme Court denied the Petition for Writ of Certiorari, currently pending before that Court. A Copy of the brief submitted on behalf of Alex Goldstein, the brief submitted by the Government, and the reply brief, as well as the Petitioner's Petition for ReHearing is attached hereto for your perusal.

Alex Goldstein has advised the undersigned, via telephone, that the pending German criminal trial, involving the Reible Brothers, Alex Goldstein, and others, has reached the status wherein the Court, including judges, attorneys and defendants will be traveling to the United States to obtain sworn testimony from witnesses located here.

It is imperative, that I obtain, *most expeditiously*, a copy of the United States Government's written permission, or document, allowing the Reible Brothers to travel freely in the United States, which I understand has been filed through the German prosecutor's office. A copy of this correspondence has been submitted to the Clerk of the United States Supreme Court as part of our petition for rehearing.

Thank you for your cooperation and expeditious response.

Very truly yours,

Ronald I. Strauss

RIS:ndp